

Application No. 10/616,709

Reply to Office Action

REMARKS

BEST AVAILABLE COPY*Summary of the Application*

Claims 1-64 are currently pending in the application. No amendments to the application are included in this response.

Summary of the Office Action

The Office Action enters an election of species requirement under 35 U.S.C. § 121. Applicants are required to elect one species from among those contemplated by the following groups: solvent, surfactant, closure material and protein.

Discussion

Applicants submit that although the species are may be patentably distinct, the election requirement is not proper because a single search could be undertaken to gather all of the art that is relevant to each of the relevant species. In this regard, the Office Action fails to set forth a *prima facie* basis in support of its election of species requirement.

The foregoing notwithstanding, Applicants elect the following species: solvent (soybean oil); surfactant (lecithin); closure material (fluoropolymer); and protein (albumin). Applicants believe that: the following claims read on the aforementioned solvent species: 1-13, 15-31 and 33-51; the following claims read on the surfactant species: 1-64; the flowing claims read on the closure material species: 1-23, 25, 26, 28-47, 49, 50, and 52-60, 62 and 63; and the following claims read on the protein species: 1-64. Applicants submit that a list of claims reading on all of the aforementioned species simultaneously may be readily obtained using the foregoing four lists of claims.

Conclusion

As applicants believe the application is in proper condition for allowance, the examiner is respectfully requested to pass the application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,



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